

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Bessie Jones, et al.,

Plaintiffs,

v.

City of Cincinnati, et al.,

Defendants.

: Case Number: 1:04cv616
: Chief Judge Susan J. Dlott
: ORDER DENYING MOTION
: FOR RECONSIDERATION
:
:

This matter is before the Court on the Motion to Reconsider the Motion for Summary Judgment of the Police Officers (doc. 151). Defendant seeks a reconsideration of the conclusions reached by this Court in its Order of September 28, 2011, which granted in part and denied in part the Motion for Summary Judgment of Defendant Police Officers (doc. 93).

Motions for reconsideration generally concern assertions of new evidence, an intervening change in law, or some combination of clear error and manifest injustice. 18B Charles Alan Wright & Arthur R. Miller, Federal Practice and Procedure § 4478 at 671-72 (2d ed. 2002). In this case, there is no intervening change of controlling law, and Defendants have submitted no new evidence. Rather, Defendants imply that the Court has omitted or misapprehended certain facts and that the decision is therefore erroneous. Specifically, Defendants ask for reconsideration on three issues, all based on disputed issues of fact: Officer Pike's and Officer Osterman's use of force in using their batons against Nathaniel Jones, the officers' denial of adequate medical care to Jones, and Officer Abrams' refusal to remove Jones' handcuffs at the request of emergency medical personnel.

To reverse its ruling on these issues and find in Defendants' favor would require this

Court to weigh disputed facts and make credibility determinations. That is the jury's role, not the Court's. Defendants have not demonstrated that this Court's decision was clearly erroneous or would work a manifest injustice. The proper forum for additional argument is in the Court of Appeals.

For these reasons, the Motion to Reconsider the Motion for Summary Judgment of the Police Officers (doc. 151) is DENIED.

IT IS SO ORDERED.

s/Susan J. Dlott
Chief Judge Susan J. Dlott
United States District Court